

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:18-CV-00070-GCM**

**ROSA GIL  
DANTE GIL  
ADA ARGUETA,**

**Plaintiffs,**

**v.**

**LEANDER HOLSTON  
KIRSTJEN NIELSEN  
FRANCIS CISSNA,**

**Defendants.**

**ORDER**

**THIS MATTER COMES** before this Court on Defendants' Motion for Summary Judgment. (Doc. No. 17). This matter arises under 8 U.S.C. §1421(c) which provides that judicial review "shall be de novo, and the court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner, conduct a hearing de novo on the application." 8 U.S.C. §1421(c). The Court finds that deciding the Motion for Summary Judgment on the papers would be inconsistent with the statutory procedural requirements. As such, the Court **DENIES** Defendants' Motion for Summary Judgment. The Court will hold a *de novo* hearing in this matter on April 2, 2019 at 2:00 p.m. After the hearing, the Court will make appropriate findings of fact and conclusions of law as required by statute.

**SO ORDERED.**

Signed: April 1, 2019



Graham C. Mullen  
United States District Judge

